

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RYAN SCOTT DAVIS,

Petitioner,

vs.

NO. 08cv148 MCA/WDS

**MICHAEL HEREDIA, Warden and
GARY K. KING, Attorney General of
the State of New Mexico,**

Respondents

ORDER

_____**THIS MATTER** came before the Court on Petitioner's Motion for Relief Pursuant to 28 U.S.C. § 2254. (Document No. 1) Respondent filed a response in opposition to the motion (Document No. 9), and Petitioner filed a reply. (Document No. 10) Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition, to which Petitioner did not file objections, and being otherwise fully advised, I find that the Motion for Relief should be denied.

WHEREFORE, IT IS ORDERED that the findings and recommendations of the United States Magistrate Judge are adopted.

IT IS FURTHER ORDERED that Petitioner's Motion for Relief Pursuant to 28 U.S.C. § 2254 is **DENIED** and this matter is dismissed.

SO ORDERED this 17th day of December, 2008.



HON. M. CHRISTINA ARMJO
United States District Judge